UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TEXAS BEAUMONT DIVISION

CHARLENE MITCHELL,	§	
INDIVIDUALLY, LATARAH GATES,	§	
INDIVIDUALLY AND AS HEIRS TO	§	
THE ESTATE OF CHARLES E. GATES,	§	
DECEASED	§	
	§	
Plaintiffs	§	C.A. No
	§	
VS.	§	
	§	
SCHNEIDER NATIONAL CARRIERS,	§	
INC. and CHRISTOPHER WEBB	§	
	§	
Defendants	§.	

DEFENDANTS SCHNEIDER NATIONAL CARRIERS, INC. AND CHRISTOPHER WEBB'S NOTICE AND PETITION FOR REMOVAL

TO THE HONORABLE COURT:

Pursuant to 28 U.S.C. §§ 1441 and 1446, Defendants, Schneider National Carriers, Inc. and Christopher Webb ("Defendants"), in Cause No. CV1712392 pending in the 75th District Court of Liberty County, Texas, file this Notice and Petition for Removal from that Court to the United States District Court for the Eastern District of Texas, Beaumont Division on the basis of diversity of citizenship and amount in controversy and respectfully show:

I. FACTUAL BACKGROUND

1.1. On or about August 11, 2017, Plaintiffs filed their Original Petition, Jury Demand, Request for Disclosure, and Rule 193.07 Notice in the matter styled *Charlene Mitchell, Individually, Latarah Gates, Individually and as Heirs to The Estate of Charles E. Gates, Deceased vs. Schneider National Carriers, Inc. and Christopher Webb*, Cause No. CV1712392, in the 75th District Court of Liberty County, Texas, in which Plaintiffs seek recovery against

Schneider National Carriers, Inc. and Christopher Webb for negligence and gross negligence, pursuant to the wrongful death and survival statutes. Plaintiffs filed suit against Schneider National Carriers, Inc. and Christopher Webb.

II. BASIS FOR REMOVAL

- 2.1. Removal is proper and based upon diversity of citizenship under 28 U.S.C. §§1332(a)(1), 1441(a), and 1446.
- 2.2. Plaintiffs were, and are, at the time the lawsuit was filed, residents of the State of Texas. *See* Plaintiffs' Original Petition, paragraphs 2.1 and 2.2.
- 2.3. Defendant Schneider National Carriers, Inc. is a Nevada company that operates its headquarters and principal place of business in Green Bay, Wisconsin. Under 28 U.S.C. §1332, a corporation is a citizen in the state by which it is incorporated and the state where its principal place of business is located.
- 2.4. Defendant Christopher Webb was, and is, at the time the lawsuit was filed, a citizen and a resident of the State of Tennessee.

A. The Amount in Controversy Exceeds the Jurisdictional Requirements for Subject Matter Jurisdiction

2.4. Plaintiffs' claims are based on the wrongful death and survival statutes. "Plaintiffs seek recovery of damages for monetary relief in an amount over \$1,000,000." See Plaintiffs' Original Petition, paragraph 4.5.

III. THE REMOVAL IS PROCEDURALLY CORRECT

- 3.1. Defendants made an appearance in the state court action on Wednesday, September 13, 2017 (*see* Exhibit "B"). Defendants file this Notice and Petition for Removal within the 30 day time period required by 28 U.S.C. § 1446(b).
- 3.2. Venue is proper in this district and division under 28 U.S.C. § 1446(a) because this district and division include the county in which the state action is pending and because a substantial part of the events giving rise to Plaintiffs' claims allegedly occurred in this district and division.
- 3.3. Pursuant to 28 U.S.C. § 1446(d), promptly after Defendants file this notice, written notice of the filing will be given to Plaintiffs, the adverse party.
- 3.4 Pursuant to 28 U.S.C. § 1446(d), a true and correct copy of this Notice and Petition for Removal will be filed with the Clerk of the Liberty County District Court, promptly after Defendants file this notice.

IV. CONCLUSION

Based upon the foregoing, the exhibits submitted in support of this Removal, and other documents filed contemporaneously with this Notice of Removal and fully incorporated herein by reference, Defendants hereby remove this case to this court for trial and determination.

Respectfully submitted,

HANSZEN LAPORTE LLP

By: /s/ H. Mark Burck

H. Mark Burck SBN: 03362700 FBN: 7423

14201 Memorial Drive Houston, TX 77079

Telephone: (713) 522-9444 Facsimile: (713) 524-2580

E-Mail: mburck@hanszenlaporte.com

Attorney for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing has been forwarded to all interested parties on this 13th day of September, 2017 in accordance with the Federal Rules of Civil Procedure and as indicated below:

Langdon "Trey" Smith Michael Gomez Jim S. Adler & Associates 1900 West Loop South, 20th Floor Houston, Texas 77027

Via CM/ECF

/s/ H. Mark Burck

H. MARK BURCK